

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

|   |  |                               |                |
|---|--|-------------------------------|----------------|
| Effective on 12/03/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).<br><b>FEE TRANSMITTAL</b><br><b>For FY 2005</b> |  | <b>Complete if Known</b>      |                |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  | Application Number            | 10/808,550     |
|   |  | Filing Date                   | March 23, 2004 |
|   |  | First Named Inventor          | Daniel et al   |
|   |  | Examiner Name                 | G. Strimbu     |
|   |  | Art Unit                      | 3634           |
| TOTAL AMOUNT OF PAYMENT (\$)  |  | 130.00                        |                |
|   |  | Attorney Docket No. 705560US3 |                |

**METHOD OF PAYMENT** (check all that apply)

☐ Check 
 ☐ Credit Card 
 ☐ Money Order 
 ☐ None 
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 03-1800 Deposit Account Name: DaimlerChrysler Corp.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below 
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 
 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-203A.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

Total Claims: \_\_\_\_\_ Extra Claims: \_\_\_\_\_ Fee (\$): \_\_\_\_\_ Fee Paid (\$): \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.

Indep. Claims: \_\_\_\_\_ Extra Claims: \_\_\_\_\_ Fee (\$): \_\_\_\_\_ Fee Paid (\$): \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| _____        | _____        | _____  | _____    | _____         |

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

| Description   | Fee (\$) | Fees Paid (\$) |
|---|----------|----------------|
| Non-English Specification, \$130 fee (no small entity discount) | 130      |                |
| Other (e.g., late filing surcharge): Terminal Disclaimer        |          | 130.00         |

|                                  |                        |                        |
|----------------------------------|------------------------|------------------------|
| SUBMITTED BY                     |                        |                        |
| Signature                        | Registration No. 35474 | Telephone 248-944-8519 |
| Name (Print/Type) Ralph E. Smith | (Attorney/Agent)       | Date 5/12/05           |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED

MAY 13 2005

OIP/PCWS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application: 10/806,550

Filing Date: March 23, 2004

Applicant(s) Daniels et al.

Group Art Unit: 3634

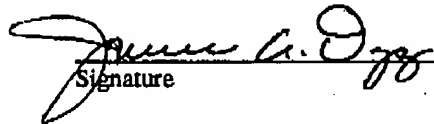
Examiner: G. Strimbu

Title: POWER DRIVE MECHANISM FOR A MOTOR VEHICLE  
LIFTGATE HAVING A DISENGAGEABLE GEAR TRAINRECEIVED  
CENTRAL FAX CENTER  
MAY 12 2005

## Certificate of Facsimile Transmission (37 CFR 1.8)

Date of transmission: May 12, 2005. I hereby certify that this paper is being facsimile transmitted to Art Unit 3634 of the United States Patent and Trademark Office at fax number 703-872-9306 on the date indicated above.

Janice A. Ogg  
Name of Person Signing Paper

  
Signature

Total number of pages, including cover sheet: 5**Attachments:**Fee Transmittal;Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent;Statement under 37 CFR 3.73 signed by DaimlerChrysler Corporation; andStatement Under 37 CFR 3.73 signed by Atoma International Corporation.

PTO/SB/98 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Daniels et al.Application No./Patent No.: 10/806,550 Filed/Issue Date: March 23, 2004Entitled: **POWER DRIVE MECHANISM FOR A MOTOR VEHICLE LIFTGATE HAVING A DISENGAGEABLE GEAR TRAIN**Atoma International Corp. and DaimlerChrysler Corp., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Butler, Fredrick C. To: DaimlerChrysler Corp.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015157, Frame 0818, or for which a copy thereof is attached.
2. From: Daniels et al To: Atoma International Corp.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015157, Frame 0722, or for which a copy thereof is attached.
3. From: Butler, Fredrick C. To: DaimlerChrysler Corp.  
The document was recorded in the United States Patent and Trademark Office at  
Reel 014431, Frame 0088, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Holly E. Leese

Signature

5-12-05

Date

248-944-6509

Telephone Number

Printed or Typed Name  
**Assistant Secretary - DaimlerChrysler Corp.**

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

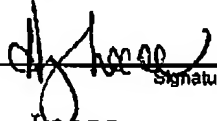
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/26 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                                       |
|---|---------------------------------------|
| <b>TERMINAL DISCLAIMER TO OBLIVATE A DOUBLE PATENTING<br/>REJECTION OVER A "PRIOR" PATENT</b>   | Docket Number (Optional)<br>705560US3 |
| In re Application of: Daniels et al.<br><br>Application No.: 10/806,550<br><br>Filed: March 23, 2004<br><br>For: POWER DRIVE MECHANISM FOR A MOTOR VEHICLE LIFTGATE HAVING A DISENGAGEABLE GEAR TRAIN   |                                       |
| <p>The owner*, <u>DaimlerChrysler Corp. and Aluma Int'l Corp.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,711,855</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer." In the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input checked="" type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. _____</p> <div style="text-align: center; margin-top: 20px;"> <br/>       _____<br/>       Signature     </div> <div style="text-align: center; margin-top: 10px;">       Holly E. Leese<br/>       _____<br/>       Typed or printed name     </div> <div style="text-align: right; margin-top: 10px;">       5-12-05<br/>       _____<br/>       Date     </div> <div style="text-align: right; margin-top: 10px;">       248-94 4-6519<br/>       _____<br/>       Telephone Number     </div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p> |                                       |

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/13/2005 LWONDIH1 00000052 031800

10806550

assistance in completing the form, call 1-800-PTO-9199 and select option 2.

01 FC:1814

130.00 DA

05/13/2005 LWONDIH1 00000052 10806550

01 FC:1814 130.00 DA